

1
2
3
4
5
6
7 CHARLES WANG,
8 Plaintiff,
9 v.
10 JERRY BROWN, et al.,
11 Defendants.

Case No. 11-cv-05648-WHO

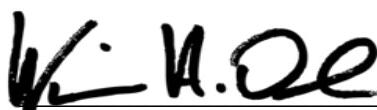
**ORDER INSTRUCTING PLAINTIFF TO
SERVE DEFENDANTS**

12 This case is on remand from the Ninth Circuit. It was previously dismissed because pro se
13 plaintiff Charles Wang failed to properly serve defendants within 120 days of filing his complaint,
14 as required under Federal Rule of Civil Procedure 4(m). *See* Dkt. No. 20. The Ninth Circuit
15 reversed, holding that the district court erred in sua sponte dismissing the action under Rule 4(m)
16 without first giving Wang notice and an opportunity to show good cause why he had not served
17 defendants. Dkt. No. 28. Rule 4(m) provides that “[i]f a defendant is not served within 120 days
18 after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must
19 dismiss the action without prejudice against that defendant or order that service be made within a
20 specified time.” Fed. R. Civ. P. 4(m).

21 **Wang must serve defendants within 45 days of this order – that is, by January 8,**
22 **2015. In addition, a case management conference is set for February 24, 2015 at 2:00 p.m. in**
23 **Courtroom 2, 17th Floor, San Francisco. The parties shall file a joint case management**
24 **statement on or before February 17, 2015.** Wang is advised that failure to properly serve
25 defendants by January 8, 2015 may result in dismissal of this action.

26 **IT IS SO ORDERED.**

27 Dated: November 25, 2014


28 WILLIAM H. ORRICK
United States District Judge